S.B.CR. MISC. BAIL APPLICATION NO.5008/2007
(Aijaaj & Anr. Vs. State of Rajashan)

Date of Order :: October 23, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.Ranjeet Joshi, for the petitioner.
Mr.Ashok Upadhyaya,, P.P. for the State.
Mr.Sandeep Mehta, for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that petitioner No.1 Aijaaj is a juvenile. Learned counsel for the petitioner submits that his date of birth is 16.1.1999. Be that as it may, there are allegations that petitioner No.1 was armed with knife along with other co-accused and said to have inflicted injuries to the injured, who suffered as many as 14 injuries, out of which 13 are by sharp-edged weapon . Petitioner NO.2 Yunus was also said to have armed with knife and inflicted injuries.

Keeping in view the number of injuries and the fact that petitioners were armed with deadly weapon, in my view, it is not a fit case to grant bail to the petitioners.

The bail application filed by both the petitioners under section 438 Cr.P.C. is, therefore, dismissed. However, it will be open for the petitioner No.1 to file the documents with regard to his age before the investigating agency to show whether he is juvenile or not. If such document is filed, the police may investigate the matter accordingly.

[H.R.PANWAR],J.

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